

BARRY N. GUTTERMAN & ASSOCIATES, P.C.

ATTORNEYS AT LAW
THE LINCOLN BUILDING
60 EAST 42ND STREET, 48TH FLOOR
NEW YORK, NEW YORK 10165
(212) 983-1466
FAX (212) 983-1229
e-mail: bng@bngpc.com

AUG 22 2008

California Office:
12520 Magnolia Blvd., Suite 206
Valley Village, California 91607-2336

New Jersey Office:
33 Philhower Road
Lobaton, New Jersey 08833-4537

August 22, 2008

VIA FACSIMILE (212) 805-6326

Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007

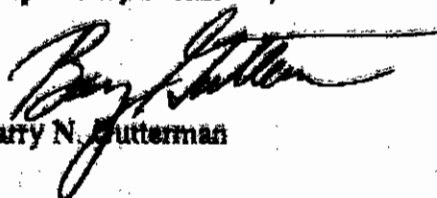
MEMO ENDORSED

Re: Mitsui Sumitomo Insurance Company, Ltd.
v. Union Pacific and Evergreen Marine Corp.
S.D.N.Y. 07 CIV. 3874 (CM)
Our File: UP-2718

Dear Judge McMahon:

As attorney for defendants Union Pacific Railroad Company and Evergreen Marine Corporation, I write to inform the Court that on August 19, 2008 the Honorable Judge Alvin Hellerstein issued a decision which discusses a threshold issue relevant to the pending summary judgment motions. I respectfully request permission to submit, without argument or comment, a copy of the decision. The Court's attention is appreciated.

Respectfully submitted,


Barry N. Gutterman

BNG/jh

cc: David L. Mazaroli, Esq.
via Fax: (212) 732-7352
your file 7MSI-1491
Attorneys for Plaintiff

USDS SDNY
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